

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO
CIVIL DIVISION**

SUMMONS

PLAINTIFF

SCOTTY SLY SR

VS

DEFENDANT

SAMS CLUB INC.

CASE NUMBER

2019 CV 03420

ARTICLE NUMBER

788667713610

TO THE FOLLOWING NAMED DEFENDANT:

SAMS CLUB INC.
CO SAMS EAST INC.
702 SW 8TH STREET
BENTONVILLE AR 72716

You have been named a Defendant or Respondent in a complaint filed in Montgomery County Court of Common Pleas, Dayton, Ohio. A copy of the Complaint is attached.

BY:

SCOTTY SLY
5290 GARDENDALE AVE.
DAYTON, OH 45417

PLAINTIFF ATTORNEY:

KENNETH J IGNOZZI
131 NORTH LUDLOW STREET SUITE 1400
DAYTON, OH 45402

You are hereby summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff, if the Plaintiff does not have an attorney, a copy of an **Answer to the Complaint** within **28 days after receipt of this summons, exclusive of the day you received the summons.** Your original **Answer** must be filed with the Clerk of Court's Office **within 3 days** after you serve the Plaintiff's attorney or Plaintiff.

JUL 25 2019

If you fail to appear and defend, Judgment by Default may be rendered against you granting Plaintiff(s) the relief demanded in the Complaint.

NOTE:

If you are represented by an attorney, your attorney is required to electronically file your Answer through the Court's authorized electronic filing system. See Montgomery County Common Pleas Court Loc. R. 1.15, Electronic Filing of Court Documents, for requirements of electronic filing. Local rules can be accessed at www.montcourt.org. Service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, your attorney is required to serve a paper copy of your Answer to the Plaintiff.

If you are representing yourself (appearing pro se), you have the option to file your Answer in paper OR through the Court's authorized electronic filing system (See Loc. R. 1.15, Electronic Filing of Court Documents). Local rules can be accessed at www.montcourt.org. If you file your Answer in paper, you are required to serve a paper copy of your Answer to the Plaintiff's Attorney or the Plaintiff. If you file your Answer electronically, service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, you are required to serve a paper copy of your Answer to the Plaintiff.



/s/ MIKE FOLEY, ISSUED Wednesday, July 24, 2019
MIKE FOLEY, CLERK
COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

PREPARED ELECTRONICALLY

**In The Court Of Common Pleas, Montgomery County Ohio
Civil Division**

RETURN OF SERVICE SUMMONS

PLAINTIFF

SCOTTY SLY SR

VS

DEFENDANT

SAMS CLUB INC.

CASE NUMBER

2019 CV 03420

ARTICLE NUMBER

788667713610

TO THE FOLLOWING NAMED PARTY:

SAMS CLUB INC.

CO SAMS EAST INC.

702 SW 8TH STREET

BENTONVILLE, AR 72716

RETURN OF SERVICE(PERSONAL)

FEES

SERVICE \$ _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made personal service of it upon _____ by locating him/them and tendering a copy of the document and accompanying documents, on

MILEAGE _____

_____ , 2019.

TOTAL \$ _____

By _____

DATE _____

RETURN OF SERVICE(RESIDENCE)

FEES

SERVICE \$ _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made residence service of it upon _____ by leaving, at his/their usual place of residence with _____ a person of suitable age and discretion then residing therein a copy of the complaint and accompanying documents, on _____, 2019.

MILEAGE _____

By _____

TOTAL \$ _____

DATE _____

By _____

RETURN OF SERVICE(FAILURE OF SERVICE)

FEES

SERVICE \$ _____

I received the document on _____, 2019, at ____ o'clock ____ M. with instructions to make personal/residence service upon

MILEAGE _____

_____ and I was

TOTAL \$ _____

unable to serve a copy documents upon him/them for the following reasons:

DATE _____

By _____

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IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

Scotty Sly, Sr. : **CASE NO.:**
5290 Gardendale Ave
Dayton, OH 45417 : **Judge:**

Plaintiff, : **COMPLAINT FOR PERSONAL
INJURIES; JURY DEMAND
ENDORSED HEREON**

vs. :
Sam's Club, Inc. :
c/o Sam's East, Inc.
702 SW 8th Street :
Bentonville, AR 72716 :
Defendant.

FIRST CLAIM FOR RELIEF

1. Defendant Sam's Club, Inc. operates a store to the general public and located at 6955 Miller Lane, City of Dayton, Montgomery county.

2. On or about August 6, 2017, Plaintiff, Scotty Sly, while a business invitee at the Sam's Club, Inc., located at the aforementioned address, was injured as a result of a fall, the proximate cause of which was a dangerous and hazardous condition known by Defendants, to exist, to wit: an unstable and defective display chair.

3. Defendant, Sam's Club, Inc. had a duty to maintain its public chairs in a reasonably safe condition, to inspect its public chairs in a manner designed to discover dangerous and hazardous conditions, and to provide a warning to the public regarding the existence of dangerous and hazardous conditions.

4. Defendant, Sam's Club, Inc. was negligent in the maintenance and care of its public chairs in that it failed to keep them free from a hazardous condition.

5. Defendant, Sam's Club, Inc. was negligent in that they failed to conduct any regular inspection of its public chairs, thereby failing to discover and correct/repair defective conditions which presented a hazard to the public, generally and Plaintiff, Scotty Sly, specifically.

6. As the direct and proximate result of the negligence of Defendant, Sam's Club, Inc., Plaintiff, Scotty Sly, sustained injuries and damages as follows:

- a. Severe and permanent injuries, including lumbar back pain with radiculopathy;
- b. Great pain and suffering both physical and emotional, and loss of ability to perform usual functions and will cause further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in an in excess of \$40,538.78;
- d. Lost wages in an amount to be determined.

7. The aforesaid negligence of Defendant, Sam's Club, Inc. was the direct and proximate cause of the injuries and damages to Plaintiff, Scotty Sly.

WHEREFORE, Plaintiff, Scotty Sly, demands judgment against the Defendant, Sam's Club, Inc. in an amount in excess of \$25,000.00.

Respectfully submitted,

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi (0055431)
Attorney for Plaintiff
Dyer, Garofalo, Mann, & Schultz
131 N. Ludlow Street, Suite 1400
Dayton, OH 45402
Tel: (937) 223-8888; Fax: (937) 824-8630
Email: kignozzi@dgmrlaw.com

JURY DEMAND

Now comes Plaintiff, by and through counsel, and hereby demands a trial by jury on all issues of this matter.

/s/ Kenneth J. Ignozzi
Kenneth J. Ignozzi (0055431)
Attorney for Plaintiff

► Insert shipping
document here.

ORIGIN ID:DAYA (937) 496-7623
MIKE FOLEY
CLERK OF COURTS
41 N PERRY ST
ROOM 104
DAYTON, OH 45422
UNITED STATES US

SHIP DATE: 24 JUL 19
ACTWTG: 0.80 LB
CAD: 110873545/WSX13100

BILL SENDER

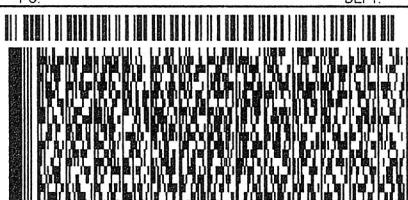
TO

SAMS CLUB INC.
CO SAMS EAST INC.
702 SW 8TH STREET
BENTONVILLE AR 72716

(937) 496-7623
INV:
PO:

REF: 2019 CV 03420

DEPT:



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